

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
WAYDE LYNN KURT,  
Defendant.

Case Nos. **CR-10-0114-WFN-1**  
**CR-11-0161-WFN-1**

**CRIMINAL MINUTES**

**DATE: MAY 9, 2012**  
**LOCATION: SPOKANE**

**CONTESTED SENTENCING  
HEARING --DAY 1**

<b>Hon. Wm. Fremming Nielsen</b>			
Joanna L. Knutson <b>Courtroom Deputy</b>	Brian T. Quirk <b>Law Clerk</b>	N/A <b>Interpreter</b>	Ronelle F. Corbey <b>Court Reporter</b>
Stephanie A. Van Marter and Earl A. Hicks <b>Plaintiff's Counsel</b>	Richard D. Wall <b>Defendant's Counsel</b>		
<b>United States Probation Officer:</b> Gloria M. Petretree			

**Open Court**

**Chambers**

**Telecon**

Defendant present in custody of United States Marshal, with counsel. Court and counsel discuss the best way to proceed with this hearing, i.e., presentation of testimony by witnesses as it may affect the Court's rulings on Defendant's Objections. Defense counsel advised there are a few individuals who would like to address the Court in support of the Defendant.

Testimony presented by sworn Government witness **Joseph M. Cleary**, direct by Ms. Van Marter (Government Exhibits 1 and 1a discussed with witness), cross, redirect, recross, witness excused.

**Recess: 11:02 a.m. to 11:20 a.m.**

Testimony presented by Government witness **John Neirinckx**, direct by Mr. Hicks (Government Exhibits 2, 3 and 4 discussed with witness). Testimony interrupted at request of defense counsel, and with no objection by the Government, to allow individuals present in support of the Defendant to address the Court due to the length of this hearing. Patrick Lance Pounder and Anthony Johnson addressed the Court in support of the Defendant.

**Recess: 12:13 p.m. to 2:10 p.m.**

Mr. Hicks addressed the Court noting that the parties have come to an agreement and therefore will not be recalling Agent Cleary. Mr. Wall confirmed Mr. Hicks' comments. Direct resumed of **John Neirinckx** by Mr. Hicks, cross, redirect, recross. Government advised it had no further testimony for the Court to consider. Testimony presented by sworn Defendant **Wayde Lynn Kurt**, direct, cross by Mr. Hicks, redirect, no recross, witness excused.

Court and counsel discuss timing of the hearing. In light of the late hour, Court expressed its inclinations on Defendant's objections to the Presentence Investigation Report which counsel can take into consideration in preparing their arguments for resolution of the matter. Court confirmed with Defendant that he had the opportunity to review the PSR and further queried him as to whether he had any other objections than that just recited by the Court. Defendant indicated there were no other objections.

The Court will resume this hearing tomorrow, **May 10, 2012, at 9:30 a.m., S/WFN**.

**CONVENED: 9:14 A.M.**

**ADJOURNED: 4:45 P.M.**

**TIME: 5:06 HR.**

**CALENDARED**